

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**TEXAS MEDICAL PROVIDERS PERFORMING
ABORTION SERVICES, et al.,
Plaintiffs,**

-vs-

Case No. A-11-CA-486-SS

**DAVID LAKEY, M.D., et al.,
Defendants.**

ORDER AND PRELIMINARY INJUNCTION

BE IT REMEMBERED on this day the Court entered an order in the above-styled cause, granting in part and denying in part Plaintiffs' motion for preliminary injunction.

Accordingly,

IT IS ORDERED that Defendants are ENJOINED from penalizing a physician, criminally or otherwise, under the Act¹ when multiple physicians perform an abortion, and any one of those physicians, or a combination of them, comply with the Act's requirements;

IT IS FURTHER ORDERED that Defendants are ENJOINED from penalizing either physician, criminally or otherwise, under the Act when one physician is scheduled to perform an abortion and complies with the requirements of the Act, but a different physician actually performs the abortion because the original doctor is unexpectedly unavailable on the procedure date;

IT IS FURTHER ORDERED that the word "solely" is SEVERED from section 171.0122(e) of the Act, for enforcement purposes;

¹ Consistent with the Court's contemporaneously filed opinion and order granting Plaintiffs' motion for preliminary injunction, the "Act" refers to Texas House Bill Number 15, an Act "relating to informed consent to an abortion." H.B. 15, 82nd Leg., Reg. Sess. (Tex. 2011).


IT IS FURTHER ORDERED that Defendants are ENJOINED from enforcing the penalty provisions of the Act against either a physician or a pregnant woman if the physician does not place the sonogram images where the pregnant woman may view them, or does not make audible the heart auscultation, if the pregnant woman elects not to view the images or hear the heart auscultation;

IT IS FURTHER ORDERED that Defendants are ENJOINED from penalizing a physician, criminally or otherwise, for the physician's failure to provide the materials required by section 171.0123 of the Act, in cases where the physician does not know whether the woman has chosen to have an abortion;

IT IS FURTHER ORDERED that Defendants are ENJOINED from enforcing any part of sections 171.012(a)(4)(B), (C), or (D) of the Act;

IT IS FURTHER ORDERED that Defendants are ENJOINED from enforcing any part of section 171.012(a)(5) of the Act;

IT IS FURTHER ORDERED that Defendants are ENJOINED from enforcing any portion of the Act that conflicts with any of the prior orders, or the contemporaneously filed opinion of this Court. This injunction applies to, but is not limited to, section 171.0122(d) of the Act, in its entirety; and any penalty provision of the Act or any other statute that would impose a penalty for a person acting in compliance with this order or accompanying opinion. SIGNED this the 30th day of August 2011.



SAM SPARKS
UNITED STATES DISTRICT JUDGE